

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

DIANA MEY,

Plaintiff,

v.

Civil Action No. 5:18-CV-166

Judge Bailey

**ENVIRONMENTAL SAFETY
INTERNATIONAL, INC., JOSEPH
M. CARNEY, and JOE REED,**

Defendants.

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

Pending before this Court is plaintiff's Motion for Summary Judgment as to Defendant Joseph M. Carney [Doc. 10]. The plaintiff's Motion alleges that the defendant "has failed to respond to any communications, failed to prosecute their defense, failed to participate in a Rule 26(f) meeting, failed to file Rule 26(a)(1) Initial Disclosures, and failed to keep their address up to date with the Court." The Motion does little to anything to demonstrate an entitlement to judgment.

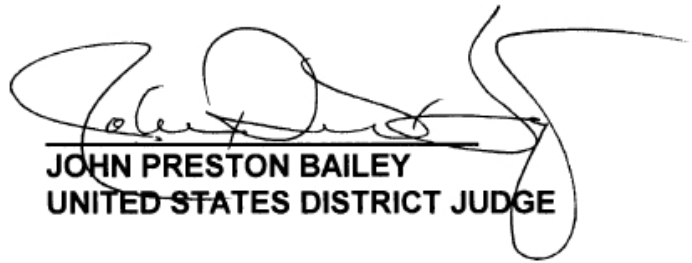
Rule 56 of the Federal Rules of Civil Procedure states that a "court shall grant summary judgment if the movant shows that there is no genuine issue as to a material fact and the movant is entitled to judgment as a matter of law." The Motion and supporting memorandum are wholly devoid of any facts which demonstrate the lack of a genuine issue as to a material fact or that the movant is entitled to judgment as a matter of law.

Accordingly, the Motion for Summary Judgment as to Defendant Joseph M. Carney [Doc. 10] is **DENIED WITHOUT PREJUDICE**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein and to any *pro se* parties.

DATED: August 28, 2019.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE